

PATENT
Atty. Dkt. No. ROC910020089US1
MPS Ref. No.: IBMK10089

REMARKS

This is intended as a full and complete response to the Office Action dated February 8, 2005, having a shortened statutory period for response set to expire on May 8, 2005. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, paragraph 37 has been amended to correct minor editorial problems. Claims 1-42 are pending in the application. Claims 1-3, 5-22, and 24-41 remain pending following entry of this response. Claims 1, 2, 7, 9, 11, 13, 15, 19, 20, 25, 26, 31, 38 and 40 have been amended. Claims 4, 23, and 42 have been cancelled. Applicant submits that the amendments do not introduce new matter.

Claim Rejections - 35 U.S.C. § 103

Claims 1-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,580,913 to *Weisshaar et al.* ("*Weisshaar*") Applicant respectfully traverses this rejection.

Regarding claims 1, 25, and 31: the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

Weisshaar discloses a communications system infrastructure related to wireless network services, and "in particular, to methods and apparatus for providing services to wireless equipment in a wireless communication system." *Weisshaar*, 1:23-25. *Weisshaar* discloses a three-tier communications infrastructure that includes a regional node, local node, and a user node. See *Weisshaar*, Figure 1 and accompanying

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description at 3:31-67 – 5:1-38. The regional node includes a connection to a plurality of servers that provide services, ultimately to a user node which may “include a wireless unit such a cellular or Personal Communication Service (PCS) telephone, a pager, a hand-held computing device such as a personal digital assistance (PDA) or Web appliance” *Weisshaar*, 3:65-67 – 4:1-7. In between the “user node” disclosed by *Weisshaar*, is the local node which can be “a kiosk, cell site, local area network (KAN) telephone company, cable company, satellite” *Weisshaar*, 3:50-53. Later in the specification, as part of material describing a local node in greater detail (in relation to Figure 3), *Weisshaar* goes on to provide:

FIG. 3 depicts a local node 106 of an exemplary information appliance system 100. As shown in FIG. 3, the local node 106 comprises a processor 121 with associated local node memory 148. Local node memory 148 comprises local node control algorithms 146. Local node memory 148 can include, but is not limited to, random access memory (RAM), read only memory (ROM), and other memory such as a hard disk, floppy disk, and/or other appropriate type of memory. Local node 106 can initiate and perform communications with other nodes shown in FIG. 1 in accordance with suitable computer programs, such as local node control algorithms 146, stored in local node memory 148.

Local node 106 also comprises any number of transmitters/receivers 175 for transmitting and receiving communications via wireless link 144 to and from any number of user nodes 108. Communications are transmitted and received through antenna 166.

Weisshaar, 5:45-63. Thus, the communications and network architecture of *Weisshaar* includes a regional node that communicates with a local node; and a local node that communicates with the user node. Absent from the description of the local node of *Weisshaar*, however, is any disclosure of a display integrated with the pay at delivery system. Rather, the user node receives the information and transmits it for display on a user node (e.g., on the user's PDA or cellular telephone). Therefore, *Weisshaar* does not teach providing to the identified driver, at least one of driving information and consumer information on a display of a pay-at-delivery system (PADS), wherein the display is integrated with the pay-at-delivery system.

Further, *Weisshaar* does not teach receiving a vehicle identifier from the vehicle transmitted by a radio frequency identification device (RFID).

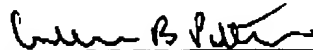
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For all of the foregoing reasons, Applicant respectfully submits that claims 1, 25, and 31, along with the claims dependent therefrom, are patentable over *Weisshaar*. Withdrawal of the rejection is, therefore, respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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